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## I. Treaties, Laws, and Policies Table

Relevant Treaties, Laws, Policies	Summary	Lessons	Recommendations
<b>Indigenous Land Treaties</b>			
<u>1837 Treaty of St. Peter</u>	“Members of the Ojibwe Nation can gather wild Rice on land ceded to the federal government” (Manthe et al., 2022, pp. 12).	Historically, the government has tried to domesticate and control Manoomin harvesting access for economic purposes in the Midwest: “In 1850 the U.S. government wanted control over Manoomin for economic purposes”, so Treaty Rights were violated through an executive order preventing Indigenous people from gathering Manoomin off-reservation. (Manthe et al., 2022, pp. 12). Thankfully, the order never prevailed.	<ul style="list-style-type: none"> <li>● Taking legal action for not recognizing legal rights.</li> <li>● Lobby and advocate for domesticated paddy rice regulations.</li> <li>● Build state government-to-government relationships to leverage against federal government if necessary.</li> </ul>
<u>1939 Off Reservation Licenses and Statutes</u>	“Federal government attempted to restrict Tribal access to Manoomin by requiring licenses and statutes to harvest off reservation” (Manthe et al., 2022, pp. 12). The licenses were intended to protect the government’s access to Manoomin on ceded territory (Manthe et al., 2022, pp. 14).	Licenses and permits are used as methods by the U.S. government to restrict Tribes’ access to natural resources.	<ul style="list-style-type: none"> <li>● Lobby with other midwestern Tribes and Inter-tribal groups against Indigenous permitting and licensing regulations.</li> <li>● Create a relationship with the Wisconsin DNR Wild Rice Council to discuss licensing and permitting issues in the future.</li> <li>● Use direct action methods as the Ojibwe Nation did in 2015: Harvesting Manoomin without permits in order to draw attention from the state and “raise awareness about the importance of involving Indigenous people” in</li> </ul>

			decisions about environmental projects and governance (Manthe et al., 2022, pp. 14). A federally recognized law was later implemented, stating “Tribal members do not need a permit to exercise their usufructuary rights” (Bouyard).
<u>Treaty of 1842</u>	The treaty was signed in 1842 and granted Ojibwe the right to purchase land in Wisconsin for a permanent settlement in exchange for the Tribe ceding their land in New York.	The treaty provided Ojibwe Nation the right to certain lands, but the provisions were not always followed by the country. This shows the complexity of self-determination for Indigenous communities. The Treaty of 1842 was nullified after Brothertown was terminated (Burg, 2013).	<ul style="list-style-type: none"> <li>• An example of obtaining federal restoration in order to gain federal aid, services, protection, as well as reservation land as dictated in established treaties.</li> </ul>
<u>Treaty of 1854</u>	The Ojibwe of Wisconsin signed land cession treaties with the U.S. government in 1854, which resulted in them ceding their entire homeland to the U.S and establishing Ojibwe bands in Wisconsin, Michigan and Minnesota. (2022). “In this treaty, the Ojibwe retained extensive rights to use the land, including hunting and fishing rights. Today, resource management related to these treaty rights is undertaken in cooperation with the State” (2020).	Past treaties have had negative impacts for indigenous populations including displacement and dispossession, which results in loss of cultural knowledge. Many treaties were not respected by the U.S. government, thus generating consequential struggles and litigious action.	
<u>1999 United States Supreme Court Case</u>	“In the case, Mille Lacs Band sued the state of Minnesota for not observing the Nation’s 1837 Treaty Rights” to hunt, fish, and	This case was brought to the United States Supreme Court, therefore, drawing massive attention towards the acknowledgement of Treaty rights on a national stage (Manthe	<ul style="list-style-type: none"> <li>• 526 U.S. 172 certiorari to the United States Supreme Court indicates this decision is binding and sets</li> </ul>

<u>Minnesota v. Mille Lacs</u>	harvest wild rice in ceded territories (Manthe et al., 2022, pp. 14).	et al., 2022, pp. 14). The question asked by the court: Does the Mille Lacs Band of Chippewa Indians have usufructuary rights on lands now part of the state of Minnesota? The Court of Appeals and the U.S. Supreme Court both affirmed the original District Court’s decision, thus granting Mille Lacs Band usufructuary rights.	precedent. Applicable to Tribal Nations in the state of Wisconsin. <ul style="list-style-type: none"> <li>● Utilize case law when/if necessary.</li> </ul>
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**Water Related Policies**

<u>Clean Water Act</u>	The CWA aims to prevent, reduce, and eliminate pollution in the nation's water in order to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters" (EPA).	“On July 14, the Fond du Lac and Grand Portage Bands of Lake Superior Chippewa filed a lawsuit in federal court against the Environmental Protection Agency (EPA), citing the Clean Water Act. The lawsuit argues that the EPA approved recommendations by the Minnesota Pollution Control Agency (MPCA) to lower water quality standards after tribes in Minnesota and the Minnesota Chippewa Tribe voiced against lowering the quality of water” (Citation).	<ul style="list-style-type: none"> <li>● Be up to date and aware of potential, future mining operations</li> <li>● Be up to date and aware of potential, future commercial agricultural operations</li> <li>● Link to Fond du Lac v. EPA case: <a href="https://www.epa.gov/system/files/documents/2022-07/%5B1%5D%20-%20Complaint%20.pdf">https://www.epa.gov/system/files/documents/2022-07/%5B1%5D%20-%20Complaint%20.pdf</a></li> <li>● Review Section 518(e) of the Clean Water Act.</li> </ul>
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<u>Wisconsin Chapter NR 102 [exit DNR].</u>	Establishes water quality standards for surface waters of the state.	A similar ordinance, NR 207 Wis. Adm. Code, Wisconsin’s antidegradation “standards prohibit degradation of outstanding resource waters and limits degradation to exceptional resource waters” (Wisconsin DNR). Additionally, this code specifically enforces consultation/approval of projects that could have impacts on wild rice harvesting.	Evaluate how Wisconsin Chapter NR 102, 103, 105 can be mirrored after NR 207 Wis. Adm Code to include more explicit connections between water quality requirements and wild rice harvesting and conservation.
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<p><b>Adaptative Management Plan Option</b></p>	<p>“Adaptive management (AM) is a compliance option that allows owners of point and nonpoint sources of phosphorus to work together to improve water quality and to meet water quality standards. Adaptive management recognizes that excess phosphorus in lakes and rivers is the result of a variety of activities and sources; both point and nonpoint source reductions are often needed to achieve water quality standards” (Wisconsin, DNR)</p>	<p>Yahara WINS project has fostered collaboration with local jurisdictions, the water treatment facility, farmers, and other watershed/water district stakeholders to meet the requirements established by the Wisconsin Phosphorus Rule. Increased participation has happened as result of allocating funding throughout different partner stakeholders that can address lowering phosphorus levels through non-point source efforts.</p>	<p>Identify jurisdictions and watershed stakeholders within the project area who are already participating in active Adaptative Management Plan effort and evaluate how these efforts can be connected to Wild Rice harvesting.</p> <p>Advocate for more work focused on reducing phosphorus levels in local watershed waters and its relation to wild rice harvesting.</p>
<p><u><b>Winnebago Waterways Lake Management Plan</b></u></p>	<p>This plan guides the strategy to meet water quality and pollution reduction targets over 20 years. It also outlines the vision to restore habitat, improve shorelines, prevent invasive species, and increase public recreation in the area.</p>	<p>Water level management by Brothertown is important, as the water level is a major concern in the area. “The Army Corps of Engineers regulates water levels throughout the year with the dams in Menasha and Neenah to prevent flooding” (Doering &amp; Henrigillis, 2020).</p>	<ul style="list-style-type: none"> <li>● “Important to look at major bodies of water in the Fond du Lac area and follow these ecosystems.”</li> <li>● Update Winnebago Waterways Lake Management Plan.</li> <li>● Work with Intertribal agencies for water level management, shoreline protection, reducing phosphorus amounts, sediment pollution, and the number of human disturbances (20).</li> <li>● Reach out to new potential contacts from the Trout Lake Station: Director, Gretchen Gerrish; and aquatic plant expert, Susan Knight (Gauthier, 2021).</li> </ul>
<p><u><b>National Historic</b></u></p>	<p>Promotes the protection and preservation of historic and</p>	<p>The Lac Vieux Desert Ban of Lake Superior Chippewa used the NHPA</p>	<ul style="list-style-type: none"> <li>● Potentially utilize similar litigation tactics to address</li> </ul>

Preservation Act (NHPA) of 1966

archaeological sites in the United States, in order to meet the “contemporary needs of society” (2023). The NHPA importantly establishes a federal-state and federal-Tribal partnership to “acknowledge the importance of protecting the nation’s heritage from rampant federal development” (2023).

to restore their access to wild rice in and around the Lac Vieux Desert Lake after damming operations affected the water levels. Their litigation tactics “opened up discussions with the dam company, imposed restrictions on the dam itself, required testing of the impact on the lower water levels in the lake, created an adaptive management plan and granted the lake traditional cultural property status” (Manthe et al., 2022, pp. 14).

“While it does not place any restrictions on ownership or use, Section 106 of the NHPA does offer some protection from adverse impacts of activities that are licensed or funded by the federal government” (LaBine, 2016). The damming qualified as an adverse activity and the area of Lac View Desert lake and Rice Bay are significant under the National Register of Historic Places; the area qualified to be protected by the NHPA.

water quality and damming issues.

- Research and potentially work to update status of the Lake Winnebago area within the National Register of Historic Places.
- Apply for Traditional cultural properties status.

**Wild Rice Related Policies**

1988 Wabizii v. Busch Agricultural

“1988, three members of the White Earth Band of the Ojibwe Nation filed a federal lawsuit against Busch Agricultural Resources for deceptive advertising of Manoomin” (Manthe et al., 2022, pp. 14). Busch, “was advertising its California, paddy grown rice as the same Manoomin grown in Minnesota lakes. The

The Ojibwe have battled for the invaluable right to Manoomin through various methods, including courtrooms, regulatory hearings, corporate offices, and the halls of some universities (Laduke, 2018).

Wild Rice was continually coveted by the state for its potential economic benefits. Therefore, in the 1980s, the “production of cultivated wild rice had outstripped that of Indigenous varieties” (Laduke,

- Law only stands in Minnesota, not binding in Wisconsin.
- Use litigious avenues to implement a similar distinction between paddy-grown and Traditional Wild Rice in Wisconsin.
- Continue to support the market for the Indigenous production of wild rice.

	<p>Ojibwe members won the lawsuit, and a law was implemented requiring all advertisements for paddy-grown rice to be distinguished from Traditional Wild Rice” (Manthe et al., 2022, pp. 14).</p>	<p>2018); the domesticated production moved to California; “By 1986, more than 95% of the ‘wild’ rice harvested was paddy grown” (Laduke, 2018). This immense growth of paddy-grown wild rice plummeted the Native wild rice economy.</p> <p>The Ojibwe filed a lawsuit in a Minnesota court to restrict misleading advertising as the domestic rice market grew. They won their suit, and paddy grown wild rice must now be labeled as such. This law has helped slow the production of domestic rice in the state and has brought a spotlight to Indigenous harvesting rights.</p>	<ul style="list-style-type: none"> <li>● Lobby and protest to preserve the integrity of Manoomin in order to prevent potential contamination from genetically engineered wild rice; “prohibit the introduction of any genetically engineered wild rice paddy stands without a full environmental impact assessment” (Laduke, 2018).</li> <li>● Use education and media platforms to inform voters and residents.</li> <li>● Protests and PR stunts.</li> <li>● Environmental lawsuits accumulate large amounts of publicity and often positive support.</li> </ul>
<p><u>Wisconsin State Wild Rice Harvesting Permit</u></p>	<p>“Laws and Regulations allow Wisconsin First Nations to harvest wild rice off of their reservation, but they need to obtain a Wild Rice State Harvesting Permit to do so” (Manthe et al., 2022, pp. 19). The permit costs \$8.25 per year, “which places a limit on Brothertown’s access to wild rice off reservation” (Manthe et al., 2022, pp. 20).</p>	<p>“A permit creates administrative burdens for the Brothertown Tribe that discourage wild ricing” (Manthe et al., 2022, pp. 19). Traditionally, like Ojibwe and other Wisconsin Tribes, Brothertown has heavily relied on wild rice as a staple crop. Tribes have struggled to communicate this to non-Indigenous communities, thus there is a continued lack of public support for Indigenous issues surrounding wild rice. Further, non-Indigenous residents typically advocate against wild rice in the lakes “due to the lack of water clarity and less than ideal boating conditions from the plants” (Manthe et al., 2022, pp. 19).</p>	<ul style="list-style-type: none"> <li>● Access to Wisconsin DNR Wild Rice Council</li> <li>● Incentivize the state to maintain wild rice populations and expand the wild rice harvest.</li> <li>● Direct action and PR stunts to advocate for off reservation permits to be offered for free to Tribal members</li> <li>● Create and utilize letter of support in order to communicate this issue to local and state representatives</li> </ul>
<p><u>Manoomin, et.al., v.</u></p>	<p>In 2021, Manoomin and the White Earth Band filed a suit against Minnesota in the</p>	<p>“In 2018, the White Earth Band of Ojibwe recognized the rights of Manoomin, the first law to</p>	<ul style="list-style-type: none"> <li>● Progressions towards the Brothertown Tribal Nation legally recognizing the</li> </ul>

Minnesota Department of Natural Resources, et.al. (Case No. GC21-0428)

White Earth Tribal Court to enforce the rights of wild rice, “the first rights of nature enforcement case to be brought in a tribal court” (2022). The purpose of the suit is to “enforce the rights of wild rice and Indigenous Treaty rights against a state permit allowing the Enbridge corporation to use 5 billion gallons of water for its construction of the Line 3 tar sands oil pipeline” (2022).

recognize the legal rights of a plant species” (2022). Due to this recognition, the wild rice is the lead plaintiff representing its own rights in the 2021 case against Minnesota.

The 2021 case “is one of the most important tribal sovereignty cases to be filed over the past several decades” (2022). Currently, the case is awaiting action in the Tribal Court and the federal Eight Circuit Court of Appeals.

- rights of Manoomin as the White Earth Band did in 2018.
- Potentially foster a conversation or relationship with the senior legal counsel at the Center for Democratic and Environmental Rights (CDER), Thomas Linzey.
  - The 2021 case “has rapidly become the focus of national media, tribal attorneys, and environmental activists” (2022). It is a good time to potentially ride the coattails of this media attention regarding Manoomin.
  - This case has implication for Brothertown once their federal recognition is restored, because “any Tribal nation which is a party to a treaty with the U.S. government could use this same mechanism to challenge permits issued on those ceded lands” (2022).

II. Updated Strongest Points of Leverage for Wetland and Water Governance

II.a Recognizing the Legal Rights of Manoomin

(Please refer to the summary provided in the “I. Treaties, Laws and Policies Table” 1999 United States Supreme Court Case *Minnesota v. Mille Lacs*, (Manthe et al., 2022, pp. 13)).

Establishing the rights of a plant as a leveraging technique may be considered radical or drastic; however, it potentially holds the most potent points of influence when fighting for



conservation rights. As Treaty rights and environmental restoration efforts continue to be infringed upon, this litigious tool will likely become more mainstream. As cited in the “Treaties, Laws, and Policies Table” (Manthe et al., 2022, pp. 13), there is an active 2021 court case in “which wild rice is the lead plaintiff representing its own rights” (Manthe et al., 2022, pp. 13); the plaintiffs include Manoomin, the White Earth Band of Ojibwe, and the tribal Water Protectors against the State of Minnesota. The purpose is to prevent the Enbridge corporation from using “5 billion gallons of water for its construction of the Line 3 tar sands oil pipeline” (2022). The case now awaits action in the Tribal Court and the federal Eighth Circuit Court of Appeals.

The White Earth Band and Inter-Tribal legal agencies compiled their resources and expertise to leverage the rights of nature. Adopting a “Rights of Manoomin” tribal law in 2018 gave recognition to wild rice as “having the rights to exist, flourish, regenerate, and evolve, as well as inherent rights to restoration, recovery, and preservation.” Therefore, after sustaining injury, Manoomin achieved standing as a plaintiff in *Manoomin et al., v. Minnesota Department of Natural Resources et al.* It is important to note that this case was born out of the Ojibwe Tribe’s ability to create, enforce, and interpret the law. The White Earth Nation, under the Indian Reorganization Act of 1934, maintains a Tribal Court that provides “a forum to restore peace and reconciliation through fair and impartial conflict resolution founded upon the Ojibwe culture and values” (2023). In other words, being federally recognized, the White Earth Ojibwe Band possesses the power to leverage their legal rights to protect Manoomin and the associated watersheds. Regarding Brothertown Nation, using similar tactics to leverage the Legal Rights of Manoomin may not be feasible at this time; however, significant efforts continue to be made to restore Brothertown’s federal recognition. Once sovereignty is restored, Brothertown has the opportunity to utilize this case as a precedent and challenge the state against permits issued on ceded lands. Following the tactics of the White Earth Ojibwe Band, Brothertown will also have the opportunity to officially establish the legal rights of Manoomin within the Tribal judicial system. At present, Brothertown should direct efforts towards establishing a relationship with White Earth and the Center for Democratic and Environmental Rights (CDER) legal team to build a foundation for future implementation. Further, the 2021 case “has rapidly become the focus of national media, tribal attorneys, and environmental activists”; the timing is ideal for Brothertown to reinforce White Earth’s support for the case and build off the media attention it receives. Building and publicizing a foundation of support for the legal rights of Manoomin can only benefit Brothertown’s future restoration goals.

## II.b Cultural Significance

*“Manoomin is a sacred being. A relative given in a sacred way to help us live. We cannot separate our being from wild rice.” -Kevin Finney, Gun Lake Potawatomi*

Manoomin has been tremendously significant to the Ojibwe Nation since Time Immemorial. Traditionally, Manoomin has not only provided sustenance, but a way of life. “It is a food of great historical, spiritual, and cultural importance” (Milgroom, 2020). It is an integral part of Ojibwe culture, as harvesting “involves all family members”, managing Manoomin

affects the health of the surrounding ecosystems, and it provides food security for the Tribe (Milgroom, 2020). (Please refer to pages 10-11 in the 2022 “Environmental Studies 600: Policy Team Project” and *Wild Rice and the Ojibway People* by Thomas Vennum Jr. to learn more.)

After relocating from the East Coast, Brothertown Nation acquired knowledge and teachings about the food that grows on water from the Ojibwe. Manoomin became a critical piece of Brothertown’s culture and lifeway. Traditionally, the Lake Winnebago watershed was “teeming with rice such that the boats could not pass” (Smith, 2020). It is clear that Manoomin was heavily present in the ecosystem and in the lives of Brothertown Tribal members. The cultural value remains strong and can be used as a key point of leverage for Brothertown. Promoting the Tribe’s expertise and relationship to Manoomin puts Brothertown in a strong position to not only take the lead on its management but apply pressure to state agencies and policy makers. Further, gathering personal statements and testaments that genuinely express the significance of Manoomin would prove beneficial. Compiling these statements for PR and media use could potentially aid in gaining support from the public and locals. Based off previous research, locals are hesitant to the prospect of increasing the density of plants in the lakes, however, many may be unaware of why Manoomin is so integral to Brothertown culture and the ecosystem’s success; a healthy watershed translates to a larger abundance of waterfowl and fish during their respective seasons.

Leveraging the cultural importance of a natural resource has also proved successful in other case studies. For example, since time immemorial, fishing has been a “cultural mainstay for the [Quileute] community” and salmon remains to be the most important species in the people’s collective identity (2017). Salmon is a necessary component of traditional beliefs, ceremonial traditions, food preparation, and traditional knowledge and practices (Amberson et al., 2016). There is significant evidence of a practically symbiotic relationship between salmon and the Northwest Indian Tribes. Therefore, “Washington State and federal leaders have recognized the importance of the cultural values that inform the work that Native Nations do to restore and maintain salmon for future generations” (2018). Emphasizing the importance of this unbreakable lifeway has proven successful in regard to restoration management, and the successful practice of treaty rights. Leveraging mechanisms as seen in the Quileute case may prove successful in other situations regarding Indigenous natural resource governance. According to the “The Heartbeat of Our People” study, the researchers discovered that attributes of Tribal well-being, such as economic, cultural, social, psychological, physical, and political benefit can prove important to co-managing agencies. As seen in the Quileute salmon restoration case, the significance of a natural resource to Tribal well-being proved to be important to co-managing agencies and ultimately produced successful governance capabilities. It would prove useful to Brothertown’s efforts to reference their specific tactics and methods in doing so.

## II.c Standing Laws

The Clean Water Act is a federal law that was enacted in 1972 to regulate the discharge of pollutants into the nation's waterways. The law established a framework for protecting the country's water resources and ensuring that they are safe for human use and consumption. For the Brothertown Nation, the Clean Water Act is of particular importance in the context of Manoomin harvesting. Manoomin grows in shallow water and is dependent on clean, healthy

waterways for its growth and survival. Any pollution or degradation of water quality can have a significant impact on Manoomin production and the health of the ecosystem.

Some states have taken additional steps to protect their water resources by designating certain water bodies as "Outstanding National Resource Waters" (ONRWs) under the CWA. ONRWs are water bodies that have exceptional ecological or cultural value and are therefore given an extra layer of protection under the law. In some cases, Manoomin harvesting areas have been designated as ONRWs due to their cultural significance and importance to indigenous communities. The designation of Manoomin harvesting areas as ONRWs provides an added layer of protection for these important resources. The ONRW designation requires that any activity that may result in the discharge of pollutants into the designated area must be carefully reviewed and approved by state authorities to ensure that it will not harm the ecological or cultural value of the water body.

Stemming from the Clean Water Act are other water quality regulations, including the Wisconsin Phosphorus Rule. The Wisconsin Phosphorus Rule is state regulation that aims to reduce phosphorus pollution in waterways across the state. Phosphorus is a nutrient that is essential for plant growth, but in excess, it can cause harmful algae blooms, which can make water harmful to humans and certain plants, including Manoomin. The Wisconsin Phosphorus Rule provides an important framework for regulating and reducing phosphorus pollution in waterways, which helps to protect the health and productivity of Manoomin crops. By working closely with state and local authorities, Brothertown Nation can ensure that water quality standards are upheld, and that the natural resources they depend on are protected.

### III. General Recommendations

#### III.a Preventing the Domestication of Manoomin for Profit

The appropriation and commercialization of Manoomin is a struggle midwestern Tribes have faced since the 1900s. In the 1990s, "wild rice was identified as an endangered food" (Milgroom, 2020). Its endangerment occurred due to several competing factors; however, genetic engineering and domestication for profit were important contributors. In the mid-1900s, this traditional staple "was appropriated by white entrepreneurs and marketed as a gourmet commodity. Native and non-Native people alike began to harvest rice to sell it for cash, threatening the health of the natural stands of the crop" (Milgroom, 2020). Also, the cheaper production costs and lucrative market of "cultivated wild rice drove down the demand for hand-harvested wild rice," leaving Ojibwe people without this primary source of income (Milgroom, 2020). (Please refer to page 12 in the 2022 "Environmental Studies 600: Policy Team Project" to learn more).

Efforts by midwestern Tribes, including the Ojibwe Nation, are ongoing in order to protect the integrity of Manoomin and reestablish their traditional food system. Large companies continue to dominate the market for Traditionally grown Manoomin and have a reputation for

false advertising. “In 1988, three members of the White Earth Band of the Ojibwe Nation filed a federal lawsuit against Busch Agricultural Resources for deceptive advertising of Manoomin” (Manthe et al., 2022, pp. 13). The White Earth Band won this lawsuit and established a precedent in the state of Minnesota, as well as a pathway for other Tribes, like Brothertown. Utilizing litigation to regulate the domestication of wild rice is a powerful tool; however, other tactics could potentially prove successful. For example, lobbying and petitioning will aid in protecting the integrity of production. Hopefully, producing a similar result as seen in the 1988 White Earth Band lawsuit, prohibiting “the introduction of any genetically engineered wild rice paddy stands without a full environmental impact assessment” (2022). Another complementary method is educating on media platforms to inform voters and residents of the dangers and histories behind the appropriation and domestication of wild rice. In addition to the mentioned direct-action techniques, phone calls to congressional representatives, attending congressional hearings, and coalition meetings could prove powerful. These recommendations are based on and modeled after several environmental conservation nonprofits. Moreover, these organizations comprise policy, analysis, and legislation fellows to help implement and facilitate these vast and crucial tactics. Hiring such a position could be a necessary step to accomplish Brothertown’s future wild rice restoration goals.

### III.b Climate Change

Climate change is expected to significantly warm water temperatures, increase precipitation levels, and increase the levels of phosphorus and toxins in the Great Lakes and surrounding water sources (Cheruvilil and Barton, 2014). These impacts of climate change will have a negative impact on the harvesting of Manoomin.

The Northern Wisconsin area is expected to experience a 25% increase in heavy precipitation events of at least 2 inches by mid-century (Wisconsin Initiative on Climate Change). Increased precipitation and flooding events are two of the major risks for Manoomin harvesting, as intense “rainfall can washout or drown Manoomin and wreak havoc on infrastructure like dike and dams that support artificial flowages, areas where rice has been planted to make up for historic losses” (Hersher, 2018)—additionally, harming Manoomin harvesting because of the nature of the planting. Manoomin self-seeds and needs to overwinter, meaning that once it is planted, it must wait for a specific temperature and receive a certain amount of sunlight before it grows. The extreme and unpredictable weather patterns resulting from climate change will cause significant problems in the self-seeding process of harvesting.

With these issues in mind, strategies for Manoomin harvesting in a time of increased climate change should include considerations such as:

1. Multi-disciplinary: Partners like the Wisconsin DNR, Environmental departments at the University of Wisconsin, and the Wisconsin Initiative on Climate Change Impacts can conduct spatial analysis to locate areas vulnerable to the impacts of climate change. These areas can be analyzed in the context of Manoomin harvesting areas and the impact these risks might have on harvesting locations.
2. Prioritize Indigenous Knowledge in climate vulnerability and risk assessments: Manoomin is expected to be one of the plants most impacted by climate change. Climate

Vulnerability and Risk assessments should incorporate Indigenous Knowledge to understand the history of Manoomin harvesting, the geographic pattern of harvesting throughout the area, and Indigenous harvesting strategies.

3. Recognize the cultural and environmental significance of Manoomin in regional, state, and local climate action plans: As one of the plants with a high risk of being impacted by climate change and with deep cultural significance to Indigenous populations in Wisconsin, the state and local jurisdictions should be more explicit about the risks associated with climate change the harvest of Manoomin.
4. Public Awareness: Increase public awareness and education about Manoomin harvesting and its cultural and environmental significance. Specifically, increase education about the cultural importance of its harvesting and cultural loss associated with the difficulties of harvesting amid increasing extreme weather events.

## IV. Formal Letter of Support for Brothertown Restoration

### IV.a Usage

The Governance and Policy Team recommends the letter and petition both be published on the Wild Rice Project website and the Brothertown Nation website. It is also recommended that the materials be used at planned high traffic canvassing and tabling days on campus. Political mobilizing and organizing are feasible and beneficial tools for Brothertown to utilize. UW-Madison liaison Dr. Conaway and Brothertown Tribal Council have access to willing students who are capable of facilitating such events. It is best these days are scheduled during the fall and spring semesters, as summer term is less populated.

How you can help!

- 1) Sign or circulate the petition for Brothertown Restoration;
- 2) Contact Rep. Glenn Grothman, Sen. Tammy Baldwin, Sen. Ron Johnson, and your local representative with the provided letter of support;
  - a. Congressional contact info:  
<https://www.congress.gov/members/find-your-member>
- 3) Volunteer at a canvassing or tabling event [future dates listed]; [sign up link listed];
- 4) Learn more about Brothertown restoration efforts by visiting our websites [links listed].

### IV.b Letter

[Personal Letterhead: Your name, organization if applicable, return address, phone]

[Date]

The Honorable [First, Last name]  
United States Senate  
Washington, DC 20510

Dear Senator [Last name],

(We/I) am writing this letter to express my full support of **Brothertown Indian Nation's efforts to seek Congressional Restoration Legislation**. As a concerned citizen and a member of [your community/organization], I strongly believe that it is our duty to ensure that Indigenous communities are given the necessary support to preserve their cultural heritage and traditions.

I recognize that since time immemorial, the Brothertown Indian Nation has existed as a culturally distinct and politically independent Nation. In present day, the Brothertown Indian Nation continues to be governed by a Tribal Council acting in accordance with the Articles of Constitution and Bylaws of the Brothertown Indian Nation of Wisconsin, amended in January 20,2007; and the Brothertown Indian Nation is seeking to be restored from termination through federal legislation.

Brothertown Nation has faced significant challenges in their efforts to preserve their cultural identity and maintain their tribal sovereignty. Despite these challenges, they have preserved and remain committed to their vision of a federally restored community. I believe that supporting the Brothertown Nation's restoration efforts is not only a matter of justice but also a necessary step towards healing and reconciliation.

Therefore, I urge you to support and sponsor legislation that will provide the necessary resources and language for the restoration of Brothertown Indian Nation. I believe that restoring the Brothertown Nation will not only benefit their community but also contribute to the larger project of building a more just and inclusive society.

Thank you for your attention to this matter. I hope that you will join me in supporting the Brothertown Nation's restoration efforts.

Sincerely,

[Signature]

[Printed Names]

IV.c Petition

## Petition for Brothertown Indian Nation Restoration as a Federally Recognized Tribe

By signing this Petition, I support Brothertown Indian Nation being restored to its former legal status as a federally recognized tribe, recognizing the unique political relationship between the Tribe and U.S. Government, as they were before termination.

Name – Print	Signature	Date	Street Address City/State	County of Residence	Email Address

Return Original Executed Petitions to: Brothertown Indian Nation, Federal Restoration Team, P.O. Box 2206, Fond du Lac, Wisconsin 54936

### V.a Summary of DNR Wild Rice Council

Brothertown Nation would benefit from being a member of the DNR Wild Rice Council, because the Tribe would have a more direct line of communication and influence for bettering wild rice management practices in the state. This partnership could also serve as an act of reconciliation that will aid in fostering healthy government-to-government relations. It is important to note, representation on the council would generate influence and opportunity for Brothertown to not only comment on the price of harvesting permits but work with the Wisconsin DNR to rewrite a Lake Winnebago goal plan as the current LINDY plan is in ‘conflict with the ideal rice environment’ (31). In the opinion of the Governance and Policy team, it is likely in the best interest of Brothertown Nation and the Lake Winnebago Wild Rice Revitalization Project to work towards gaining representation on the Wild Rice Council.

### V.b Letter to the DNR Contact

- Purpose of letter is to make an introduction and start a conversation about wild rice harvesting by Tribal members.
- Contact: Kris Goodwill of Menominee Nation; 608-400-2201;  
[kris.goodwill@wisconsin.gov](mailto:kris.goodwill@wisconsin.gov)

[Sender's Address]

[Date]

Ms. Kris Goodwill  
Tribal Liaison  
Wisconsin Department of Natural Resources  
[Receiver's Address]

Dear Ms. Goodwill,

On behalf of Brothertown Tribal Nation and the Wisconsin Intertribal Lake Winnebago Wild Rice Revitalization Project, we would like to formally introduce ourselves and the project. As you may know, Lake Winnebago is Wisconsin's largest inland lake, and connect major rivers to Lake Michigan. Historically this watershed supports diverse wetlands, wildlife, and fisheries. The waterways and connecting lakes have been altered by dams and other development. Wild rice persists and continues to offer habitat for fish, wildlife, and waterfowl. The Wisconsin Inter-Tribal Lake Winnebago Connectivity Project (funded by Wisconsin Sea Grant) for Wild Rice convenes Tribes, Inter-Tribal, state and federal agencies, non-profits, and university employees in partnership for sustaining fisheries, traditions, and healthy food and water for communities.

Brothertown Indian Nation and UW-Madison Nelson Institute are project leads, working with a cherished network of project partners: Wisconsin and Michigan Tribes, Great Lakes Indian Fish and Wildlife Commission, Wisconsin Tribal Conservation Advisory Council, US Fish and Wildlife Service, WI Department of Natural Resources, Fox-Wolf Watershed Alliance, Wisconsin Wetlands Association, Ducks Unlimited, Fishing Clubs, Lake Poygan Sportsmen's Club, and University of Wisconsin- Madison, Oshkosh, and Green Bay.

The several years long project is developing admirably, as significant progress in the watershed has been made. We hope, going forward we can continue building genuine government-to-government relationships and strengthen lines of direct communication. Increasing Tribal input regarding management and harvesting of Manoomin is crucial so that policy is mutually beneficial and understood. Lack of communication can easily cause environmental, Treaty, and or safety concerns. Past case studies prove this to be factually accurate; for example, in the summer of 2021, the Minnesota DNR opened a three year long experimental early teal and goose season. The promulgated hunting season overlaps with the traditional Manoomin harvesting season taking place throughout upper Minnesota. Due to lack of communication between the state and Leech Lake, the rice beds within and surrounding the



immediate perimeter of the Leech Lake Reservation were closed for the early season. There were serious public safety concerns presented by the overlap of waterfowl hunting and the Manoomin harvest season within Leech Lake Reservation; the safest course of action was for the Tribe to close the wild rice beds. Hopefully, hunters were not overly irritated, and the season proceeded smoothly and safely for all parties; however, potential conflict and uncomfortable situations can best be avoided in the future by opening lines of communication and collaboration.

For the better, it is unlikely wild rice management and harvesting is going away anytime soon. Many parties rely on the watershed and its resources, so it is critical that we all find a balance of input and communication in order to achieve best practices. Brothertown Tribal Nation and the Wisconsin Intertribal Lake Winnebago Wild Rice Revitalization Project believe working with the Wisconsin DNR is a wonderful avenue for attaining these goals. We look forward to hearing your response.

Yours Sincerely,

[Signature]

[Printed Name]



## VI. Wild Rice Project Media Release

### VI.a Purpose and Usage

In general, a formal statement meant for media release is a written communication that is issued to the press and other media outlets to provide information about a particular event, situation, or issue. The information is meant to be clear, concise, and presented in a timely manner.

Brothertown Nation will be able to use this statement to make official announcements about the Wild Rice Revitalization Project, provide clarifications, and demonstrate transparency to the public from the Tribal Council's perspective.

## VI.b Formal Statement

Contact Information:

Brothertown Indian Nation

Brothertown Tribal Council

[ Phone number]

[ Email Address]



**Brothertown Indian Nation**  
**Eeyamquittoowauconnuck**



### FOR IMMEDIATE RELEASE

Brothertown Indian Nation is excited to announce the Wisconsin Intertribal Winnebago Wild Rice Revitalization Project. Over the past several years, our team has been working in Lake Winnebago, Wisconsin's largest inland lake, to research and observe how to best restore the traditionally abundant wild rice populations. Historically this watershed supports diverse wetlands, wildlife, and fisheries. The waterways and connecting lakes have been altered by dams and other development. Wild rice persists and continues to offer habitat for fish, wildlife, and waterfowl. The Wisconsin Inter-Tribal Lake Winnebago Connectivity Project (funded by Wisconsin Sea Grant) for Wild Rice convenes Tribes, Inter-Tribal, state and federal agencies, non-profits, and university employees in partnership for sustaining fisheries, traditions, and healthy food and water for communities.

Brothertown Indian Nation and UW-Madison Nelson Institute are project leads, working with a cherished network of project partners: Wisconsin and Michigan Tribes, Great Lakes Indian Fish and Wildlife Commission, Wisconsin Tribal Conservation Advisory Council, US Fish and Wildlife Service, WI Department of Natural Resources, Fox-Wolf Watershed Alliance, Wisconsin Wetlands Association, Ducks Unlimited, Fishing Clubs, Lake Poygan Sportsmen's Club, and University of Wisconsin- Madison, Oshkosh, and Green Bay.

We are excited for what is to come in the upcoming season and will continue providing further details for the public's convenience.

[Project launch details: marketing, events, dates, etc.]

*"It's going to take all of us, Native and non-native, from all spectrums of life to do this."* -Skip Blanc, Brothertown Tribal Council member

## VII. Knowledge Exchange: Brothertown Indian Nation, the University of Wisconsin-Madison Nelson Institute, and Various Other Project Partners

### VII.a Proposed Invitation



We are pleased to invite you to a unique knowledge exchange on [September 15th](#) being co-hosted by the Brothertown Nation and the University of Wisconsin-Madison, Nelson Institute. The event will be a knowledge exchange related to Manoomin, also known as wild rice, and conservation efforts in the surrounding area.

Brothertown Nation has a deep cultural and spiritual connection to Manoomin, which is a sacred food that holds great significance for our people. Brothertown Nation tribe members hold knowledge of wild rice that has been passed down through generations and includes techniques for cultivation, harvesting, and processing of the grain.

The University of Wisconsin is also committed to the conservation and preservation of natural resources in the surrounding area. They have a team of staff who are actively working on various conservation projects related to the environment, including work with wild rice.

[INSERT Examples of projects from staff/faculty/student co-hosting knowledge exchange]

The knowledge exchange event will take place on [Date] at [Time] at [Location]. It will feature presentations and discussions on traditional knowledge related to wild rice, as well as conservation efforts being undertaken by the University of Wisconsin staff in the surrounding area. There will also be opportunities for participants to engage in hands-on learning experiences and cultural activities related to wild rice.

We believe that this knowledge exchange event will provide a unique opportunity for members of the Brothertown Nation and the University of Wisconsin community to share their knowledge and expertise and to learn from one another. We hope that this event will not only promote greater understanding and collaboration between our communities but also contribute to the ongoing efforts to conserve and protect our natural resources.

If you are interested in attending this event or have any questions, please do not hesitate to contact us. We look forward to hearing from you and hope that you will be able to join us.

## VII.b Proposed Agenda

Overview: The exchange begins with a cultural protocol and includes a keynote address by a Tribal leader or Elder to emphasize the importance of wild rice and its cultural significance. The exchange also includes presentations and discussions on wild rice restoration and management, as well as a field trip to a nearby wild rice bed or restoration site to provide a tangible and experiential learning opportunity. Finally, the exchange ends with a reflection and evaluation of the knowledge exchange to ensure that all participants leave with a sense of accomplishment and next steps for future collaboration.

- Welcome and Introductions.
- Opening prayer and cultural protocol.
- Keynote address by Tribal leader or Elder on the importance of Manoomin (wild rice) and its cultural significance.
- Overview of the knowledge exchange goals, format and expectations
- Presentation by the University of Wisconsin-Madison researchers outlining the Wild Rice Revitalization Project. Researchers and students should relay their current research and work on wild rice restoration and management, including successful approaches and challenges.
- Presentation by Brothertown Nation representatives on traditional efforts to restore wild rice habitats and their vision for the future.
- Discussion and Q&A session with other Tribal and non-Tribal partners to share their experiences, knowledge, and perspectives on wild rice restoration and management.
- Breakout sessions to identify specific issues and potential solutions related to wild rice restoration, such as seed collection, governance issues, water quality, harvesting practices, and cultural preservation.
- Group report-out and synthesis of breakout sessions.
- Lunch break.
- Field trip to nearby restoration site or wild rice bed, led by Brothertown Nation and University of Wisconsin-Madison leads.
- Reflection and evaluation of the knowledge exchange, including feedback on the format, content, and outcomes.
- Closing remarks, prayers, and next steps.

## Work Cited

- Amberson, S., Biedenweg, K., James, J., & Christie, P. (2016). “The heartbeat of our people”: Identifying and measuring how salmon influences Quinault tribal well-being. *Society & Natural Resources*, 29(12), 1389–1404. <https://doi.org/10.1080/08941920.2016.1180727>
- Adaptive management*. Adaptive Management || Wisconsin DNR. (n.d.). Retrieved May 5, 2023, from <https://dnr.wisconsin.gov/topic/Wastewater/AdaptiveManagement.html#:~:text=Adaptive%20management%20plans%20identify%20actions,the%20same%20adaptive%20management%20plan.>
- Bouyard, Aurelien. “Wild Rice Protectors: An Ojibwe Odyssey.” *Environmental Law Review*, Vol.22, no. 1, 2020, pp. 25-42., <https://doi.org/10.1177/1461452920912909>.
- Burg, F. (2013, October 27). *Ottery fosters tribe's identity*. I Want the News. Retrieved May 6, 2023, from [https://www.iwantthenews.com/news/ottery-fosters-tribes-identity/article\\_9e9a4e8d-ac33-5481-a7da-e1828e1033ec.html](https://www.iwantthenews.com/news/ottery-fosters-tribes-identity/article_9e9a4e8d-ac33-5481-a7da-e1828e1033ec.html)
- CDER. (2022). *Rights of Manoomin (Wild Rice) White Earth Law and Enforcement Case*. Center for Democratic and Environmental Rights. Retrieved May 1, 2023, from <https://www.centerforenvironmentalrights.org/rights-of-manoomin>
- Cheruvellil, Jubin & Barton, Barbara. (2014). Wild Rice Adaptation to Climate Change.
- Gauthier, C. (2021, October 13). *Easily overlooked, wild rice has big cultural and ecological impact*. Water Blogged. Retrieved May 2, 2023, from

<https://blog.limnology.wisc.edu/2021/06/03/easily-overlooked-wild-rice-has-big-cultural-and-ecological-impact/>

Hersher, R. (2018, August 7). *Climate change threatens Midwest's wild rice, a staple for Native Americans*. NPR. Retrieved May 5, 2023, from <https://www.npr.org/sections/thesalt/2018/08/07/632840187/climate-change-threatens-midwests-wild-rice-a-staple-for-native-americans>

LaBine, R. (2016). (publication). *Traditional Cultural Property (TCP) Lake Lac Vieux Desert* (pp. 1–10). Superior Watershed Partnership.

Laduke, W. (2018, September 13). *The long and honorable battle of the Ojibwe to keep their wild rice ...* ICT. Retrieved May 2, 2023, from <https://ictnews.org/archive/the-long-and-honorable-battle-of-the-ojibwe-to-keep-their-wild-rice-wild>

Manthe, C., Koll, J., Martin, G., & Stark, K. (2022). (rep.). *Environmental Studies 600: Policy Team Project* (pp. 1–36). Madison, Wisconsin: Wisconsin Intertribal Winnebago Wild Rice Revitalization Project.

Milgroom, J. (2020, July 27). *How wild rice has sustained the Ojibwe people*. MinnPost. Retrieved May 1, 2023, from <https://www.minnpost.com/mnopedia/2020/07/how-wild-rice-has-sustained-the-ojibwe-people/>

Minnesota Indian Affairs Co. (2020). *1854 Ojibwe Land Cession Treaty*. 1854: Ojibwe. Retrieved May 5, 2023, from <https://treatiesmatter.org/treaties/land/1854-ojibwe>  
National Smithsonian. (2018). *Pacific Coast Water Quality Case Study: Teacher resource*.

Pacific Coast Water Quality Case Study | Teacher Resource. Retrieved March 9, 2023, from

<https://americanindian.si.edu/nk360/pnw-history-culture-agencies/quileute-natural-resources>

Oneida Nation. (2022, January 26). BC Resolution # 01-26-22-A Support of Brothertown Indian Nation's efforts to seek Congressional Restoration Legislation. *Oneida-NSN*. Retrieved 2023, from <https://oneida-nsn.gov/wp-content/uploads/2022/01/01-26-22-A-Support-of-Brothertown-Indian-Nations-efforts-to-seek-Congressional-Restoration-Legislation.pdf>.

Smith, J. (2022, October 10). *Reviving rice: Large collaborative effort will investigate possible wild rice restoration around lake winnebago: Wisconsin sea grant*. Wisconsin Sea Grant | University of Wisconsin. Retrieved May 1, 2023, from <https://www.seagrants.wisc.edu/news/reviving-rice-lake-winnebago/>

Thompson, D. (2022, July 18). *Fond du Lac and Grand Portage Ojibwe tribes file suit against Epa*. Native News Online. Retrieved May 5, 2023, from <https://nativenewsonline.net/environment/fond-du-lac-and-grand-portage-ojibwe-tribes-file-suit-against-epa>

Quileute Nation. (2017). *History*. Quileute Tribe. Retrieved March 9, 2023, from <https://quileutenation.org/history/>

U.S. Department of the Interior. (2023, January 12). *National Historic Preservation Act of 1966*. National Parks Service. Retrieved May 1, 2023, from <https://www.nps.gov/subjects/archeology/national-historic-preservation-act.htm#:~:text=NHPA%20promoted%20the%20use%20of,economic%20growth%20and%20development%20nationwide>

White Earth Nation Website Editor. (2023). *Welcome to the White Earth Reservation Tribal*

*Court*. White Earth Nation. Retrieved May 1, 2023, from

<https://whiteearth.com/divisions/judicial/home>